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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,000	10/20/2003	Russell D. Patterson	450133-04596	4868
20/999 7590 11/12/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
DANNEMAN, PAUL				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
11/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,000

Applicant(s)

PATTERSON, RUSSELL D.

Examiner

PAUL DANNEMAN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This action is in reply to Applicant's response 23 July 2008 to the first office action.
2. Claims 1, 27-30 and 56-59 which are independent were amended.
3. All pending Claims 1-59 have been examined.

Response to Arguments

4. Applicant's arguments with respect to Claims 1, 27-30, 56-59 and their dependent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. **Claims 1-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Markki et al, US 2004/0243665 A1, henceforth known as Markki and in further in view of Huitema et al, US 2003/0056093 A1, henceforth known as Huitema and further in view of Hunter et al., US 6,758,746 B1, henceforth known as Hunter.

Claims 1-59:

With regard to the limitations:

- ***Providing a first account with member access allowing two or more privileges in the network***
- ***Providing a second account with general access allowing at least one privilege***

Markki does not specifically disclose the number of privileges that a general or member may have regarding the access of a network per se, however in at least paragraph [0004] discloses an invention for searching for users and allowing communications among node users, and for the performance of sharing operations between users. Markki in at least paragraph [0041 and 0042] discloses a user joining a group in response to receiving a gaming invitation.

Huitema in at least paragraphs [0010-0012] discloses an invention for ensuring secure peer-to-peer communications in a group structure (formation of a group, group member addition, etc.). Huitema further discloses that the peer-to-peer group security allows every peer who is a valid member of the group (has access to the group site) to invite new members (has only access in order to respond to an invitation) using public / private key encryption in several different embodiments. Huitema in at least paragraph [0013] discloses receiving a connect message from a peer's private key, and when the step of authenticating is successful sending an accept message to the peer, and sending a group shared key to the peer. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Markki's Service

Provisioning System in a Peer-to-Peer environment with Huitema's Peer-to-Peer Group Security method with the motivation of ensuring a secure environment for members (Markki paragraphs [0051-0052]).

- *Linking the subscription accounts of a member having member access with a member having general access.*
- *Linking of the accounts allows member having only general access to have privileges associated with the account having member access privileges.*
- *Subscription accounts are for online gaming.*
- *Account with highest privileges may unlink accounts at any time resulting in loss of privileges to the unlinked accounts.*
- *Accounts can be linked through a pool.*

Markki in at least paragraph [0134] still further discloses group rules which are used to indicate the level of sharing of group resources by different members of the group. Markki in at least paragraph [0119] still further discloses allowing for multi-player gaming among group members and being able to search for and join other gaming groups in gaming instances and in at least paragraph [0159] still further discloses using a group or user certificates to prove group membership. Markki in at least paragraph [0132] still further discloses that some groups may require a subscription. Markki does not specifically disclose unlinking accounts; however in at least paragraph [0126] discloses a group manager for specifying user specific information regarding group membership.

Hunter in at least Column 4, lines 60-67 and Column 5, lines1-5 discloses that current role-playing games require a player to purchase the client game software at a fixed price and in most cases also pay a monthly subscription fee per player account, which results in every player receiving the same set of playing options for the game. Hunter further states that current MMORPGs plots are constrained by the economics of pricing models requiring the game developer to improve their games or risk losing subscribers. Hunter in at least Column 6, lines 49-67 further discloses an invention to overcome some of the current limitations by offering

players more choices of characters and character attributes. Hunter in at least Column 7, lines 33-44 discloses players being given a choice of playing a game with an existing character, creating a new character without a purchase requirement, or purchasing a character with various attributes. Hunter in at least Column 7, lines 45-55 still further discloses a tiered subscription level where a higher level tier could access and use any of the lower tier characters.

Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to be motivated to modify Markki's group sharing and pooling capabilities with Hunter's tiered subscription accounts as a means for RPG publishers and MMORPG publishers, to attract new players to their games and retain existing players without necessarily having to spend time and money developing and refining their game skills in an increasingly crowded RPG game market (Hunter, column 8, lines 39-49).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

27 October 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627